

To: CN=Karen Schwinn/OU=R9/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Tom Hagler/OU=R9/O=USEPA/C=US
Sent: Wed 1/4/2012 9:04:10 PM
Subject: Fw: Suggested Improvements to BDCP
BDCP Modifications State 12-16-11.pdf

The attachment is interesting, but if you are in a hurry, just look at their point below.

Kind of a difficult place to be, huh? (Putting out an EIS under your name that uses ONLY a model that you publicly assailed under oath; Geez! You couldn't make stuff up better than this!).

Tom Hagler
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street, RC-2
San Francisco, California 94105-3901
Phone: (415) 972-3945
Email: hagler.tom@epamail.epa.gov
----- Forwarded by Tom Hagler/R9/USEPA/US on 01/04/2012 01:02 PM -----

From: "Nelson, Barry" <bnelson@nrdc.org>
To: "Mike Connor (mlconnor@usbr.gov)" <mlconnor@usbr.gov>, Letty Belin <letty_belin@ios.doi.gov>, "David Nawi (David_Nawi@ios.doi.gov)" <David_Nawi@ios.doi.gov>, "Maria Rea (maria.rea@noaa.gov)" <maria.rea@noaa.gov>, "Donald R. Glaser (dglaser@mp.usbr.gov)" <dglaser@mp.usbr.gov>, "Ren Loehefner (Ren_Lohoefer@fws.gov)" <Ren_Lohoefer@fws.gov>, " (Will.Stelle@noaa.gov)" <Will.Stelle@noaa.gov>
Cc: "Obegi, Doug" <dobegi@nrdc.org>, "Poole, Kate" <kpoole@nrdc.org>
Date: 01/04/2012 12:55 PM
Subject: Suggested Improvements to BDCP

Friends –

In addition to the monthly BDCP meetings with state and federal agency staff and NGOs, NRDC has been involved in discussion with state decision-makers about recommended improvements to the BDCP process. I have attached our most recent specific recommendations, related to the EA, the DEIR/DEIS, science and internal BDCP decision-making. We look forward to discussing these recommendations with you as well, and urge federal agencies to work with the state to implement these changes. We have one additional specific recommendation that is limited to federal agencies, because it relates to the federal Section 7 compliance strategy. That recommendation is as follows:

Insure that the federal section 7 application does not rely on science that federal agencies have already rejected in the BiOp cases (e.g. Deriso life-cycle model, Cavallo DPM model).

Rationale: A scientifically justified proposal cannot rely on science promoted by the contractors' litigation experts that has already been rejected by the federal agencies in court. This improvement is essential to respond to the Independent Science Board's and the National Research Council's critiques of the EA methodology.

We look forward to our meeting with you next Tuesday. We would also welcome an opportunity to speak with the federal team separately, to discuss our recommendations. I will follow up with David to discuss the possibility of scheduling a meeting next week.

2012 will be a critical year for BDCP and the Delta. We are eager to work with you to take advantage of this opportunity.

Barry